

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 26244 of 1998

Between:

P.Sreenivasa Rao S/o.Venkateswar Rao,35 years,
R/o.Vijayawada, Krishna District.

..... PETITIONER

AND

The Managing Director A.P.State Seeds Development Corporation Ltd.,
Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of writ of mandamus declaring that the proceedings in No.SSDC/Admn./96-97/1069, Dt.03/01/1997 of the Managing Director, A.P.S.S.Devp. Corporation Ltd., in terminating the services of the petitioner as illegal on the following grounds: 1)Charge Memo in read sense was not given 2).Enquiry notices were not given, 3).Enquiry was not held in a proper manner, 4).No witnesses for the management were examined, 5).No documents were marked, therefore charge cannot be taken as proof, 6) giving a personal hearing and further declare that non examination of any witnesses for the management not only vitiates the enquiry but also prejudice the petitioner as he had lost opportunity to cross examination and eliciting be reinstated.

Counsel for the Petitioner: MR.M.SURENDER RAO

Counsel for the Respondent No.: MR.S.RANGA REDDY

The Court made the following :

ORDER:

The petitioner has got an effective and alternative remedy by way of approaching the Labour Court for filing a claim petition under Section 2-A(2) of Industrial Disputes Act. The petitioner in this writ petition is trying to make out a case by drawing the attention of this Court to various factors such as, facts of the case, findings of the enquiry officer, as well as statements made before the enquiry officer, and seeks that this Court should give a finding that the punishment imposed was disproportionate to that of the misconduct alleged. I am afraid, this Court cannot go into those facts and re-appreciate them in this writ petition.

After arguing the matter at length, the learned counsel for the petitioner sought permission of the Court to withdraw the writ petition to enable the petitioner to workout his remedies before the Labour Court. The learned counsel for the respondent has no objection for such request made by the counsel for the petitioner.

Under such circumstances, the writ petition is dismissed as withdrawn, leaving it open to the petitioner to approach the Labour Court and work out his remedies. On a claim petition being filed, the Labour Court shall take up the matter and adjudicate the same on merits, within a period of six month from the date of filing of such claim petition.

29.10.2004.

mdaa.

To

1.The Managing Director, A.P.State Seeds Development Corporation Limited,
Hyderabad.

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